

1 By W. H. H. H. H.

H B. No. 703

A BILL TO BE ENTITLED

AN ACT

9 prescribing civil penalties of not to exceed \$100 per day for any
10 wilful violation of any rule, regulation, or order promulgated by
11 the Texas Water Rights Commission which are not in conflict with
12 this chapter and any term or condition contained in declarations
13 of appropriation and permits heretofore or hereafter granted by
14 the Commission which are not in conflict with this chapter; amend-
15 ing Article 7531, Revised Civil Statutes of Texas, 1925, as
16 amended; and declaring an emergency.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

20 Section 1. Article 7531, Revised Civil Statutes of Texas,
21 1925, as amended, is amended by adding Section 3 to read as
22 follows:

23 "Section 3. Any person, association of persons, corpora-
24 tion, water improvement district, or irrigation district, or any
25 agent, officer, employee, or representative of any such persons,
26 association of persons, corporation, water improvement district,
27 or irrigation district, who shall wilfully violate any of the
28 rules, regulations, or orders promulgated by the Commission, which
29 are not in conflict with this chapter, and any of the terms and
30 conditions, which are not in conflict with this chapter, contained
31 in declarations of appropriations (certified filings) and permits
32 to appropriate water heretofore granted and which may hereafter
33 be granted by the Commission, under authority of law, shall be
34 liable to a civil penalty of not to exceed \$100 per day for each
35 and every day that such violation may occur."

36 Sec. 2. The importance of this legislation and the crowded
37 condition of the calendars in both houses create an emergency and
38 an imperative public necessity that the Constitutional Rule
39 requiring bills to be read on three several days in each house
40 be suspended, and this Rule is hereby suspended; and that this
41 Act take effect and be in force from and after its passage, and
42 it is so enacted.

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

Date April 27, 1971

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Conservation + Reclamation, to whom was referred H. B. No. 703, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

The Bill was reported from Committee by the following vote:

Unanimous voice vote ☒

Majority voice vote

Vote of _____ ayes and _____ nays.


Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

1 By: Murray H. B. No. 703
2 (In the House. --Filed February 23, 1971; February 25, 1971, read first
3 time and referred to Committee on Conservation and Reclamation: April
4 30, 1971, reported favorably as amended by a unanimous voice vote,
5 sent to Printer.)

6 A BILL

7 TO BE ENTITLED

8 AN ACT prescribing civil penalties of not to exceed \$100 per day
9 for any wilful violation of any rule, regulation, or order
10 promulgated by the Texas Water Rights Commission which
11 are not in conflict with this chapter and any term or condi-
12 tion contained in declarations of appropriation and permits
13 heretofore or hereafter granted by the Commission which
14 are not in conflict with this chapter; amending Article 7531,
15 Revised Civil Statutes of Texas, 1925, as amended; and
16 declaring an emergency.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

18 Section 1. Article 7531, Revised Civil Statutes of Texas, 1925, as amended,
19 by adding Section 3 to read as follows:

20 "Section 3. Any person, association of persons, corporation, water im-
21 provement district, or irrigation district, or any agent, officer, employee,
22 or representative of any such persons, association of persons, corporation,
23 water improvement district, or irrigation district, who shall wilfully violate
24 any of the rules, regulations, or orders promulgated by the Commission,
25 which are not in conflict with this chapter, and any of the terms and conditions,
26 which are not in conflict with this chapter, contained in declarations of ap-
27 propriations (certified filings) and permits to appropriate water heretofore
28 granted and which may hereafter be granted by the Commission, under
29 authority of law, shall be liable to a civil penalty of not to exceed \$100 per
30 day for each and every day that such violation may occur. "

31 Sec. 2. The importance of this legislation and the crowded condition of the
32 calendars in both houses create an emergency and an imperative public neces-
33 sity that the Constitutional Rule requiring bills to be read on three several
34 days in each house be suspended, and this Rule is hereby suspended; and
35 that this Act take effect and be in force from and after its passage, and it is
36 so enacted.

37
38 COMMITTEE AMENDMENT NO. 1

39 Amend House Bill No. 703, First Printing, to strike all below the
40 enacting clause and substitute the following:

41 Section 1. Chapter 6, Water Code, is amended to add a new Section
42 6.076, to read as follows:

43 "Section 6.076. VIOLATIONS OF RULES. REGULATIONS. ORDERS.
44 CERTIFIED FILINGS, AND PERMITS. (a) Any person association of
45 persons, corporation, water improvement district, or irrigation district,
46 or any agent, officer, employee, or representative of any of these named
47 entities who shall wilfully violate any of the rules, regulations, or orders
48 promulgated by the commission or any of the terms and conditions contained
49 in declarations of appropriations (certified filings) and permits to appropriate
50 water are liable to a civil penalty of not more than \$100 a day for each
51 day that the violation continues to take place.

52 "(b) An action to collect the penalty provided in this section must be brought
53 within two years from the date of the alleged violation."

54 Sec. 2. The importance of this legislation and the crowded condition of the
55 calendars in both houses create an emergency and an imperative public
56 necessity that the Constitutional Rule requiring bills to be read on three
57 several days in each house be suspended, and this Rule is hereby suspended;
58 and that this Act take effect and be in force from and after its passage, and
59 it is so enacted.

COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, April 27, 1971

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

SIR: We, your Committee on Conservation and Reclamation, to whom was referred H. B. No. 703, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

John Allen, Chairman

BILL ANALYSIS

Background Information:

All water rights concerning the Rio Grande River have been adjudicated. In order to properly enforce these water rights, rules and regulations will be set up by the Texas Water Rights Commission. This bill prescribes civil penalties for violations of rules and regulations of the Commission.

What the Bill Proposes to Do:

To prescribe civil penalties of not more than \$100 per day for violations of the Commission's rules, regulations, or orders.

Section by Section Analysis:

Section 1. Amends Article 7531, V. T. C. S., 1925, by adding Section 3, which prescribes civil penalties not to exceed \$100 per day for any wilful violation of any rule promulgated by the Commission, and any term or condition in declarations of appropriations and permits granted by the Commission.

Sec. 2. Emergency Clause.

Summary of Committee Action:

The bill passed by a unanimous voice vote as amended.

Cates

① *Insert ①*
Amend House Bill No. 703, First Printing, to strike all below
the enacting clause and substitute the following:

Section 1. Chapter 6, Water Code, is amended to add a new Section 6.076, to read as follows:

"Section 6.076. VIOLATIONS OF RULES. REGULATIONS. ORDERS. CERTIFIED FILINGS, AND PERMITS. (a) Any person, association of persons, corporation, water improvement district, or irrigation district, or any agent, officer, employee, or representative of any of these named entities who shall wilfully violate any of the rules, regulations, or orders promulgated by the commission or any of the terms and conditions contained in declarations of appropriations (certified filings) and permits to appropriate water ^{is} ~~are~~ liable to a civil penalty of not more than \$100 a day for each day that the violation continues to take place.

"(b) An action to collect the penalty provided in this section must be brought within two years from the date of the alleged violation."

~~Sec.~~ Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

DATE

MAY 13 1971

READ AND ADOPTED

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES*RPH**cmh*

Murray

①

Amend House Bill No. 703, First Printing, to strike all above the enacting clause and substitute the following:

A BILL TO BE ENTITLED

AN ACT

prescribing civil penalties of not to exceed \$100 per day for any wilful violation of any rule, regulation, or order promulgated by the Texas Water Rights Commission which ~~are~~ ^{is} not in conflict with this chapter and any term or condition contained in declarations of appropriation and permits heretofore or hereafter granted by the Commission which ~~are~~ ^{is} not in conflict with this chapter; amending Chapter 6, Water Code, to add a new Section 6.076; and declaring an emergency.

MAY 13 1971

DATE _____

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

Ans 5/27

RBU
CM

By: Murray

H.B. No. 703

A BILL TO BE ENTITLED

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 6, Water Code, is amended to add a new Section 6.076, to read as follows:

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"(b) An action to collect the penalty provided in this section must be brought within two years from the date of the alleged violation."

H.B. No. 703

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted. _____

ENROLLED

H.B. No. 703

AN ACT

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Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.B. No. 703 was passed by the House on May 13, 1971, by the following vote: Yeas 141, Nays 0.

Chief Clerk of the House

I hereby certify that H.B. No. 703 was passed by the Senate on May 26, 1971, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

6-9-71

Date

Signed
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:00 PM O'CLOCK

JUN 9 1971

Secretary of State

H.B. No. 703C

By Murray

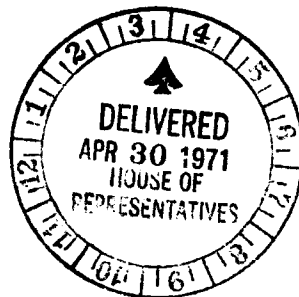
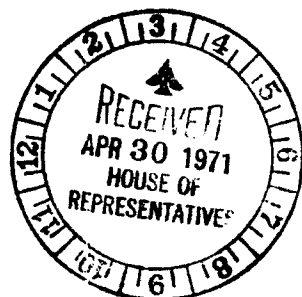
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FILED FEB 23 1971

READ 1ST TIME
AND REFERRED TO COMMITTEE ON
Conservation & Reclamation
FEB 25 1971
Dorothy Hallman
Chief Clerk, House of Representatives

APR 30 1971 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER



MAY 13 1971

Motion to suspend all necessary rules to consider prevailed by non-record vote.

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 13 1971 READ SECOND

TIME Amended AND

ORDERED non record vote ENGROSSED by

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 13 1971

Read third time

and Passed

by following vote yeas 141

Nays 0

Dorothy Hallman
Chief Clerk
HOUSE OF REPRESENTATIVES

MAY 13 1971

MOTION TO RECONSIDER THE VOTE BY

WHICH H.B. 703 WAS

ADOPTED / PASSED AND TO TABLE THE MOTION TO RECON-

SIDER PREVAILED BY A non record vote VOTE OF

Dorothy Hallman
Chief Clerk HOUSE OF REPRESENTATIVES

MAY 13 1971

SENT TO ENGROSSING CLERK

PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 3:30 P.M.

(Time)

APR 30 1971

(Date)

By: Murray

C H.B. No. 703

A BILL TO BE ENTITLED

AN ACT

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2-23-71 Filed. _____

2-25-71 Read first time and referred to Committee on Conservation and Reclamation. _____

4-30-71 Reported favorably as amended, sent to printer. _____

4-30-71 Printed, distributed and referred to Committee on Rules at 3:30 p.m. _____

5-13-71 Motion to suspend all necessary rules to consider prevailed by a non-record vote. _____

5-13-71 Read second time, amended and ordered engrossed by a non-record vote. _____

5-13-71 Read third time and passed by the following vote: _____
Yeas 141, Nays 0. _____

Dorothy Hallman
Chief Clerk, H. of R.

5-13-71 Sent to Engrossing Clerk. _____

5-13-71 Engrossed. _____

Orae Suggins
Engrossing Clerk, H. of R.

MAY 17 1971 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 17 1971

Received from the House

MAY 17 1971

Water and Conservation

Read, referred to Committee on

MAY 25 1971

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

MAY 26 1971

Ordered not printed.

Regular order of business suspended by

(unanimous consent.

(years, days.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of years, days.

MAY 26 1971

Read second time *and* passed to third reading.

Caption ordered amended to conform to body of bill.

MAY 26 1971

Senate and Constitutional 3-Day Rules suspended by vote of

3/ years, 0 days to place bill on third reading and final passage.

MAY 26 1971

Read third time and passed by

(a viva voce vote.

(3/ years, 0 days.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

RETURNED FROM SENATE MAY 26 1971

MAY 26 1971

Returned to HOUSE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 26 1971 . SENT TO ENROLLING CLERK

MAY 31 1971